

REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed November 3, 2004. Claims 1-32, 34-37, 39, 41, 44-70, and 82 were previously canceled without prejudice or disclaimer. Claims 33, 38, 40, 42, 43, 71-81, and 83-95 are pending in this Application. Claims 81, 83 and 85-91 stand rejected under 35 U.S.C. §102(b) and Claims 42, 43, 84 and 92-95 stand rejected. Claims 33, 38, 40, and 71-80 were allowed. Applicants have amended Claims 81, 92 and 94 to overcome the rejection in this office action. Applicants have amended Claim 33 to further define various features of Applicants' invention. Applicants respectfully request reconsideration and allowance of Claims 33, 38, 40, 42, 43, 71-81, and 83-95.

Allowable Subject Matter

Applicants appreciate Examiner's careful review of the Application and indication that Claims 33, 38, 40, and 71-80 are allowed. Applicants' attorney, Paula D. Heyman, conducted a telephonic interview with Examiner Gauthier on December 1, 2004. Applicants thank the Examiner for the courtesy of his telephonic interview. During the telephonic interview, Attorney for Applicants and the Examiner discussed the allowability of Claims 81, 92 and 94 based on previous amendments to made to Claim 33 in the response filed by Applicants on July 6, 2004. The Examiner agreed that the previously amended Claim 33 was allowable over the art currently of record for this application and indicated that Claims 81, 92 and 94 would be allowable if amended to include the limitation from Claim 33. In particular, the Examiner acknowledged that none of the art of record teaches automatically updating the subscriber profile by archiving at least one of identifying information of the calling party, an availability status of the called party during a mediation process for the request for voice-based communication and information about the follow-through option selected by the called party during the mediation process. As such, Applicants respectfully request that the Examiner withdraw the rejections and allow Claims 42, 43, 81 and 83-95 as amended.

Information Disclosure Statement

Applicants enclose an Information Disclosure Statement and PTO Form 1449, with a copy of the references and a check in the amount of \$180.00, for the Examiner's review and consideration.

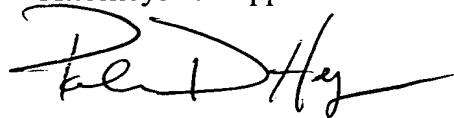
CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of Claims 33, 38, 40, 42, 43, 71-81 and 83-95, as amended.

Applicants believe no further fee is due for this response, however, if any additional fees are due, the Commissioner is hereby authorized to charge any necessary fees to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,
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